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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,654	10/06/2000	David Allison Bennett	PSTM0015/MRK	9943

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EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,654

Applicant(s)

BENNETT ET AL.

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 22-25, 53-56 and 71-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26-52 and 57-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050506
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 and 32-43 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. With respect to Claims 1 and 32: the phrase “carrier-specific shipping rate is displayed adjacent a display indication a respective time and date before which a particular respective carrier would deliver the respective particular parcel” is indefinite. The claims, along with the dependent claims, recite the use of a display where date is on one axis and time is on the other. Therefore, it is unclear to the examiner how the rate is displayed adjacent the time and date. Is the time and date displayed twice?

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-21, 26-52, and 57-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara (6,233,568) in view of UPS® Service Guide (www.ups.com) and FedEx® Services (www.fedex.com) and Barnett et al. (6,369,840).

7. With respect to Claims 1-4, 13-19, 21, 26-28, 32-35, 44-50, 52, 57-59, and 63-67: Kara discloses an onscreen interactive display with a selection and comparison section for a plurality of carriers with a plurality of services (See Figure 8). Kara discloses a display where the rates of each carrier are displayed adjacent to the selected services (See Figures 8A). However Kara does not specifically disclose the rates being calculated with respect to time. Both UPS® and FedEx® disclose specific services where they are guaranteed delivery by a certain time in the day. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the time sensitive “urgency” services, as disclosed by FedEx® and UPS®, in order to ship thing and compete with a time advantage using guaranteed delivery times and to reduce costs, when delivery time is not of importance. (See Fed Ex Page 1). Kara, UPS® and FedEx® fail to disclose the use of a graph which simultaneously displays a graph of shipping fees and services, where one axis being date and one axis being time and where each cell is located at the intersection of the date and time. Barnet discloses the use of a calendar which can be used for online purchasing of services (column 2, lines 63-67), where there is a graphical

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representation of date on one axis and time on another (See Figure 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to display the calculation of shipping rates, calculated by Kara, UPS® and FedEx®, in the format of a plurality of cells with date on one axis and time on another, as disclosed by Barnett, in order to provide a multi-layers system wherein different categories can be overlaid on one another providing a single integrated display that allows a user to order or purchase a system based on the calendar day and time (See Barnett, column 2). The examiner considers that when the rates are displayed in a matrix, then each of the rates are displayed adjacent to the axis, and therefore displayed adjacent to the time and date of the service.

8. With respect to Claims 5 and 36: Barnett discloses subdividing each cell with the plurality of services (See Figures 12 and 13).

9. With respect to Claims 7 and 38: Barnett discloses the display can be checked (See Figures 8 and 9 with corresponding brief descriptions), and therefore the examiner considers this to be a selection button.

10. With respect to Claims 6, 20, 37 and 51: Kara and Barnett above discloses the claimed invention, but fails to disclose the use of colorizing the display. It is old and well known in the art that colorizing a display so distinguish one service or one carrier from another. This is done in legends on a map, or a legend in a bar graph, where each bar is colorized to represent a specific group of data. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to colorize the display so that each carrier has a different color, due to the fact that this technique is old and well known in the art.

11. With respect to Claims 8-12, 29-31 and 39-43, 60-62, 68-70: Kara and Barnett disclose the use of the interactive display but fails to disclose when the curser is placed on the cell it displays details of the specific service (in this instance details of the carrier and service). It is old and well known in the art that when a selection or service that is available, when a cursor is placed over the selection a detailed popup window is displayed and once the service is clicked on it is started up. This is done in the Microsoft® Windows™ environment. When a cursor is placed over a file a more detailed description of the file is popped up, and once the file is slicked on, the file is opened up or the program is started. This is done in the taskbar that is located at the bottom of the monitor. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pop up window giving details of the carrier service and then once the cell is clicked the service is selected, due to the fact that this feature is old and well known in the art to display more detailed information upon selection.

12. With respect to Claims 9, 10, 12, 31, 40, 41, 43, 62 and 70: Kara discloses once the service is selected a shipping layer with respect to the carrier is displayed (See Figure 9).

Response to Arguments

13. Applicant's arguments with respect to claims 1-21, 26-52 and 57-70 have been considered but are considered not persuasive.

14. With respect to Applicant's arguments that UPS® and FedEx® does not disclose the simultaneous calculation of rates for a plurality of services: The rejection does not rely on the above mentioned references for teaching this limitation. Kara teaches the use of calculating rates

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for a plurality of services for multiple carriers, and teaches that the rates are calculated based on rules of the carrier. The UPS® and FedEx® references are to show the use of delivering packages by a specified time and date. Therefore showing the ability to determine a time in which the package would arrive. Barnett is used for the display purposes, where time and date of services are displayed. The combination of the three references together show the use of a display where rates are displayed with respect to date and time for a plurality of services for multiple carriers. Therefore rejections stand as stated above.

15. With respect to Applicant's arguments that Kara only discloses the use of selecting a particular service but only associates the name of the service with the rates, does not take into account the actual delivery of the parcel (i.e. would not take into account that Sunday delivery was not available): Kara discloses that the program to calculate delivery based on the delivery parameters, and displays the available providers (see Column 22). The examiner considers delivery parameters, for particular services would take into account the fact that if the service was not available on a particular day, then that would be considered. Kara also discloses that if the desired options were not available that an alternative would be used. The system of Kara is date sensitive due to the fact that on the shipping label itself it has the date on it. Therefore the services of Kara, UPS and FedEx, are more than just "names" for the services. Therefore it is the examiner's position that the combination of all the references teaches the claimed limitation where the rates are displayed in time/date format. Rejections stand as stated above.

16. With respect to Applicant's arguments that Barnett does not disclose or suggest calculating rates and displaying the calculated rates adjacent a display indicating the time and date: As stated above in the rejection. Kara discloses the rates are displayed adjacent the type of

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service selected. And furthermore, the comparison display that is created by Barnett, has the time and date on the “axis” of the display. Therefore the examiner considers when the rates are displayed for the carriers in the format of Barnett, where date is on one axis and time is on another, then the rates are displayed adjacent the time and date. Therefore rejection stands as stated above.

17. With respect to Applicant’s arguments that Barnett does not disclose displaying any rates or fees, but merely events: The rejection as stated above, discloses that Kara displays the rates for the carriers for the services, for comparison purposes. Barnett is relied upon merely to show a display where time and date are considered. Therefore, the limitation of the rates being displayed is shown by Kara, and the combination of the references shows the rates being displayed on the time/date matrix. Therefore rejections stand as stated above.

18. With respect to Applicant’s arguments that none of the references alone or in combination disclose the “detecting a clicking of a cell”: Barnett discloses the use of hyperlinks with in the calendaring system which can be used to order service, or to view a more detailed view, therefore, the examiner considers this to be detecting a cell, and the rejections stand as stated above.

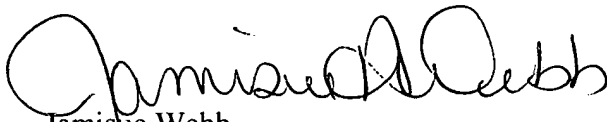
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamisue Webb



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